

### **REMARKS/ARGUMENTS**

Claims 1-16 are pending in the referenced application, claims 17-18 having been previously canceled.

In response to Examiner's Detailed Action, Applicant argues in the remarks below that the original claims 1-16 should be allowable even in light of Examiner's comments, which mainly hinge on definition of terms. In order to clarify the terminology presented in the claims, Applicant has submitted a few minor amendments to the independent claims 1 and 11. Applicant respectfully submits that these amendments put all of the claims into a condition for allowance.

#### ***Claim Rejections***

Claims 1, 2, 3, 6, 7, 10, 11, 12, 13, 16 are rejected under 35 USC 102(b) as being anticipated by Beesley (US Pat. No. 3,364,378).

Claims 4, 8, and 14 are rejected under 35 USC 103(a) as being unpatentable over Beesley (US Pat. No. 3,364,378).

Claims 5, and 15 are rejected under 35 USC 103(a) as being unpatentable over Beesley (US Pat. No. 3,364,378) and further in view of Thomas et al. (US Pat. No. 5,138,228).

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Beesley (US Pat. No. 3,364,378) and further in view of Gagnon et al. (US Pat. No. 4,480,296).

#### **Regarding independent claims 1 and 11:**

Applicant has argued that although Beesley discloses a light source (1) with an end (7) with a lead wire (5) extending therefrom, that is mounted in a lamp (8, 9) using support wires ("lead-in supports" 13-14, 16-18; and "auxiliary support or dummy lead" 28); his light source (1) *does not have an outward-opening cavity about the lead wire (5), does not extend the lead wire (5) through a cavity, and does not hook the support wire (18) into a cavity (let alone the same cavity).*

Examiner has responded that the terms "cavity" and "outward-opening cavity" are not clearly defined in the *written* specification, therefore Examiner gives these terms "their broadest possible reasonable interpretation" and cites the definition of "cavity" according to Merriam-Webster, i.e., "an **unfilled space** within a mass". Beesley defines the element 5 as a "lead wire".

Beesley's lead wire (5) extends from the light source end (7) but does NOT extend through a **cavity** of any kind, let alone an outward-opening cavity, not even according to the dictionary definition because there is NO "**unfilled** space within the mass" (of the end 7). In Beesley's description column 2, lines 9-14, he states that the outer portion (5) of the "lead wire" is "hermetically sealed in compressed pinch seal portions 7 which may be pressed to an I-shaped section as shown in FIG. 2." Beesley's FIG. 2 is a *cross-sectional* end view that shows NO cavity (unfilled space) around the lead wire. Likewise, the *outward end view* of his FIG. 5 also shows NO outward opening cavity (unfilled space) around the lead wire.

Concerning reasonable interpretation of the term cavity, Applicant wishes to note that reasonableness of interpretation is discussed in MPEP 2111.01 (Plain Meaning) paragraph II wherein it states: "In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings *attributed to them by those of ordinary skill in the art.*"(italics added). This patent practitioner has worked for 26 years as an engineer in the relevant art, i.e., the lighting industry, including design engineering for light sources such as those discussed in the present application and in the cited prior art such as Beesley. No one that I know of in this art would ever consider a wire "compressed in a pinch seal" to be passing through a "cavity" in the pinch seal. Likewise, common sense dictates that such a wire could not be said to be in an "**unfilled** space within" the pinch seal (7) that is the obvious "end" of the light source (1). Whatever space is there is FILLED by the lead wire. Thus the ordinary and customary meaning of "cavity" in both everyday use and within the relevant art are met by the claimed cavity and not by Beesley (who does not refer to a cavity).

An analogy would be a fence post in the ground. A post-hole digger is used to remove dirt to create an upward (outward) opening cavity in the ground, and this cavity is a larger diameter than the post so that the post can be easily inserted into the hole. When the post is placed into the hole there is room around the post, thus there is a post "extending outward from the" ground, and there is "an outward-opening cavity about the [post] such that the [post] extends through the cavity". To finalize the post installation, the cavity about the post is filled with concrete and/or dirt and/or rocks. Once this is done, the post is referred to as a post in the ground, not in an "outward-opening cavity".

Applicant has previously acknowledged that Thomas discloses an outward-opening

cavity that is formed around a lead wire (neither element being numbered or referenced in Thomas). However, Thomas does not teach or even contemplate hooking a support wire into the cavity. Beesley's support wire (29) is "embedded in the pinch seal (7)" separately ("insulated") from the lead wire (5), (col. 3, lines 49-52) and thus does not hook into a cavity and especially not into a cavity about the lead wire (5).

In order to enhance the clarity of term definition within the independent claims 1 and 11, Applicant offers the following minor amendments: In both claims 1 and 11, insert the word "outward" between "extending" and "therefrom" in the second line (supported, for example, by clause 1 where it states that the lead wire extends through an OUTWARD-opening cavity. The term outward is according to common understanding for a lead wire relative to a light source). In claim 1 only, make the second clause subordinate to the first clause, so that it becomes clear that the lead wire extends through the cavity which is "about" the lead wire. This amended wording is supported by the original claim 11, which already exhibited the desired meaning.

All of the remaining claims are dependent and therefore should be allowable as further limitations on allowed claims. Other arguments in opposition to Examiner's objections have already been stated in the previous amendment. Applicant requests that those arguments be reconsidered in light of the clarifying arguments and amendments presented hereinabove. In addition, applicant presents the following added arguments.

#### **Regarding claims 6 and 7**

Applicant objects to Examiner's implied definition of the term "attached". Merriam-Webster defines the word 'attach' as "Main Entry: *attached*. Function: adjective: permanently fixed when adult <attached barnacles> Main Entry: *attach* Function: verb--transitive senses--4 : to make fast (as by tying or gluing) <attach a label to a package>--intransitive senses-- : to become attached : ADHERE, synonym see FASTEN". None of these definitions contemplate an intermediary element (other than maybe adhesive). By examiner's logic, the ferrule (10) is also "attached" to the lead wire (5) since it is brazed (15) to the support wire (13,14). Likewise, the filament (3) would be "attached" to both ferrules (10) and thus the two ferrules (10) are "attached" to each other. This is NOT the sense of "attachment" that is used in manufacturing of anything, let alone light sources. Perhaps the Examiner is thinking of the term "connection"

which is sometimes used more loosely than the term "attachment". For example, Beesley uses the word "connect" according to Examiner's definition in column 2, lines 51-53. Beesley does *not* use the word "attach" that way.

### **Regarding claims 5 and 15**

Beesley does NOT disclose anything "hooking" into a "cavity". As argued above, Beesley's light source doesn't have an "outward-opening cavity." Furthermore, regardless of the shape of Thomas' cavity, the structure and shape of Beesley's dummy lead ("auxiliary support wire 29") and the rest of the support structure cannot be effectively combined with Thomas' cavity to teach "using the elbow for the step of hooking the support wire into the cavity" as claimed in the last clause of claim 5.

Regarding the "bugled" shape of the cavity, if Examiner does not want to look to the drawings for clarification, then Applicant first notes that the specification on page 18, lines 17-18 states: "Each bugled end 16 comprises an end for the tubing 10 that is **flared** out diametrically and has a rotationally symmetric **profile similar to that of the bell of a bugle**" (emphasis added). The term "bugled end" is unusual, therefore the specification provides a definition of the term in the cited passage on page 18. The stated "profile ... of the bell of a bugle" is well known to be arcuate in longitudinal cross-section, wherein the arc is convex diametrically inward. This commonly understood "bugle shape" is evidenced by common "drywall screws" which are said to have a "bugle head".  
(See, for example, <http://www.allproducts.com/twfastener/topoint/02-dry.html> Printouts of this web page are attached for the record).

Appl. No. 10/701,950  
Amdt. Dated 05/11/06  
Reply to Office action of 01/11/06

***Conclusion***

Favorable re-examination and consideration are respectfully requested. If there are still some issues to be resolved, the Examiner is invited to contact the undersigned.

Respectfully submitted,  
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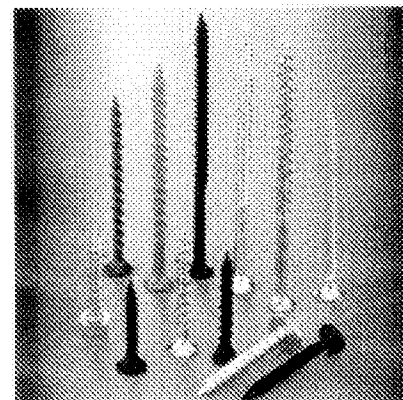
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[Inquire](#)Drywall Screws,  
Gypsum Screws

Drywall coarse thread, for fastening gypsum board to wood stud

Drywall fine thread: for fastening gypsum board to 20-25 gauge steel stud.

Wafer head: for attaching metal lath and k-lath to 20-25 gauge steel studs and framing.

[Click here for details.](#)

## Specifications:

- DRY001: bugle head coarse
- DRY002: bugle head fine
- DRY003: wafer head

## Features:


- High speed with excellent holding power for fine thread.
- Bugle shape avoids scratching the plate surface and makes the head self embedded when fastened.

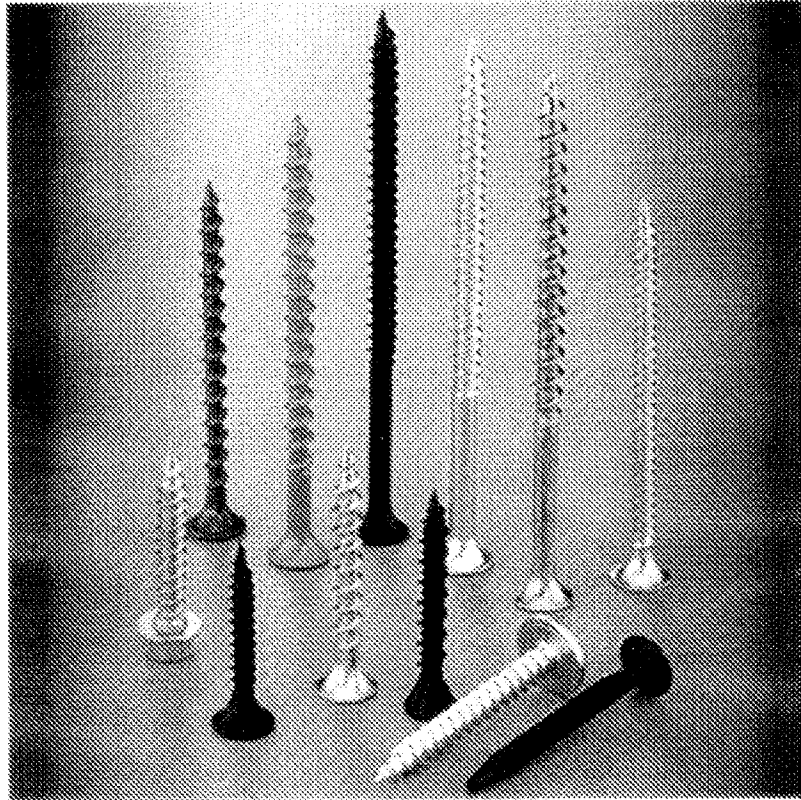
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